

SUSAN D. RESLEY (Bar # 161808)
sresley@orrick.com
EDWARD P. DAVIS, JR. (Bar # 56847)
edavis@orrick.com
DANIELLE VAN WERT (Bar # 218245)
dvanwert@orrick.com
ROBIN A. LINSÉNMYER (Bar # 244656)
rlinsenmayer@orrick.com
JAN WESTFALL (Bar # 241106)
jwestfall@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

**Attorneys for Defendant
Kenneth E. Lonchar**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MARK LESLIE, et al,

Defendants.

Case No. 5:07-CV-03444-JF

**[XXXXXXXXXX] ORDER
ESTABLISHING DISCOVERY
PROTOCOL**

Date: April 29, 2008
Time: 10:00 am
Place: Courtroom 5
Judge: Hon. Patricia V. Trumbull

Defendant's Kenneth E. Lonchar's Motion for Order Establishing Discovery Protocol was heard before the Honorable Patricia V. Trumbull on April 29, 2008. Having read and considered the papers filed by all parties and the arguments of counsel:

IT IS HEREBY ORDERED THAT:

1. Without further leave of the Court, the SEC may notice up to 50 fact depositions, and defendants Mark Leslie, Kenneth Lonchar, and Paul Sallaberry (cumulatively, "defendants") may cumulatively notice up to 60 fact depositions.

OHS West:260431304.1

2. Without further leave of the Court pursuant to Fed. R. Civ. P. 30(d)(1), the SEC may notice up to twenty fact depositions to exceed seven hours and defendants may each notice up to ten fact depositions to exceed seven hours.

3. The party noticing the deposition shall be allotted up to one half of the deposition time for each fact deposition. The remaining deposition time will be shared by the other parties, except that the SEC shall be entitled to up to 90 minutes of deposition time for all fact depositions that it does not notice or cross-notice. Counsel for the parties shall reasonably accommodate each other in the event that counsel for a party requests to exceed his or her allotted time. In those depositions that are cross-noticed by the SEC or a defendant, the parties shall cooperate with each other in advance of the deposition to allocate deposition time and to determine the order in which parties shall conduct the examination.

4. The SEC is permitted to serve up to 90 interrogatories, and the defendants cumulatively are permitted to serve up to 180 interrogatories.

5. The SEC is permitted to serve up to 180 requests for admissions, and the defendants cumulatively are permitted to serve up to 270 requests for admissions.

6. Any party seeking modification of this Order shall seek leave of the Court.

IT IS SO ORDERED.

Dated: May 6, 2008



HONORABLE PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE